

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Claims 1-12 were pending. Claims 2-6 and 10, having been withdrawn by the Examiner as directed to a nonelected invention, have been cancelled without prejudice. Claims 1, 7-8 and 11-12 have been amended as set forth above. Claims 1, 7, and 8 have been amended to enhance the clarity of the claimed subject matter. Support for the language added to claim 1 is found, for example, at page 9, lines 8-11, page 10, lines 5-19, and page 11, line 4, of the subject application. Claims 7 and 8 have been amended to delete redundant language. Claims 11 and 12 have been amended to delete reference to now cancelled claims 2-6 and 10. No new matter has been added by the amendments. Therefore, claims 1, 7, 8, 9, 11 and 12 are now pending.

In the Office Action dated March 6, 2000, the Examiner requested that the specification be amended to add the Cross Reference to Related Application section. As set forth above, the specification has been amended to include this section. A Supplemental Declaration will be forthcoming. Therefore, it is believed that this request has been addressed.

In the Office Action, claims 1, 7-9 and 11-12 were rejected under 35 U.S.C. § 112, first paragraph.

Applicants respectfully disagree with this rejection. Nevertheless, in order to expedite allowance of this application, claim 1 (and therefore claims 7-9 and 11-12 which depend therefrom) has been amended as recited above to enhance the clarity. The terms "foreign" and "homologous" no longer appear in claim 1.

Therefore, it is believed that this rejection has been overcome. Withdrawal of this rejection is respectfully requested.

In the Office Action, claims 7-9 and 11-12 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

As set forth above, claims 7-8 (and therefore claims 9 and 11-12 which depend therefrom) have been amended to remove language that was redundant and resulted in the confusion.

Therefore, it is believed that this rejection has been overcome. Withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1, 7-9 and 11-12 were rejected under 35 U.S.C. § 102(e) as unpatentable over U.S. Patent No. 5,925,362 (Spitler et al.). This rejection is respectfully traversed.

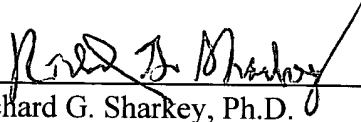
Amended claim 1 (from which claims 7-9 and 11-12 depend) is directed to a method of eliciting or enhancing an immune response to a human self tumor antigen, comprising immunizing a human being with the self tumor antigen or portion thereof with an amino acid sequence as found in a non-human source, wherein the non-human antigen or portion thereof is not identical in amino acid sequence to the human antigen. U.S. Patent No. 5,925,362 neither teaches nor suggests the methods of amended claims 1, 7-9 and 11-12.

Therefore, it is believed that the rejection of claims 1, 7-9 and 11-12 under Section 102(e) has been overcome. Withdrawal of this rejection is respectfully requested.

Therefore, in light of the amendments and remarks set forth above, Applicants believe all the Examiner's rejections have been overcome. Reconsideration of the application and allowance of all pending claims (1, 7, 8, 9, 11 and 12) is respectfully requested. If there is any further matter requiring attention prior to allowance of the subject application, the Examiner is respectfully requested to contact the undersigned attorney (at 206-622-4900) to resolve the matter.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Richard G. Sharkey, Ph.D.
Registration No. 32,629

RGS:mas

Enclosures:

Postcard

Form PTO-1083 (+ copy)

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

u:\millicents\7600